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CISCO SYSTEMS, INC.,  
Plaintiff,  
vs.  
ARISTA NETWORKS, INC.,  
Defendant.

CASE NO. 5:14-cv-5344-BLF (NC)

**CISCO'S PROPOSED VERDICT FORM**

Judge: Hon. Beth Labson Freeman

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2  
3 **YOUR ANSWERS MUST BE UNANIMOUS.**  
4

5 **CISCO'S CLAIM FOR COPYRIGHT INFRINGEMENT**  
6

7 1: Has Cisco proven by a preponderance of the evidence that Arista infringed any of Cisco's  
8 copyrights?  
9

10 YES (Infringed) NO (Not infringed)  
11

12 \_\_\_\_\_

13 **IF YOU ANSWERED "YES" TO QUESTION 1, PLEASE ANSWER QUESTION 2. IF  
14 YOU ANSWERED "NO" TO QUESTION 1, PLEASE GO TO QUESTION 6.**  
15

16 2: Has Arista proven by a preponderance of the evidence that Arista's use of Cisco's  
17 copyrighted works was "fair use"?  
18

19 YES (Fair use) NO (Not fair use)  
20

21 \_\_\_\_\_

22 **IF YOU ANSWERED "YES" TO QUESTION 2, PLEASE GO TO QUESTION 6. IF YOU  
23 ANSWERED "NO" TO QUESTION 2, PLEASE ANSWER QUESTIONS 3(a) and 3(b).**

24 3(b): Has Cisco proven by a preponderance of the evidence that it had lost profits that were  
25 caused by the infringement?  
26

27 YES NO  
28

29 \_\_\_\_\_

1 3(b): Has Cisco proven by a preponderance of the evidence that Arista earned profits caused by  
2 the infringement?

3 YES NO

4 \_\_\_\_\_ \_\_\_\_\_

5  
6 **IF YOU ANSWERED “YES” TO ANY PART OF QUESTION 3, PLEASE ANSWER  
7 QUESTION 4. IF YOU ANSWERED “NO” TO BOTH PARTS OF QUESTION 3, PLEASE  
8 GO TO QUESTION 6.**

9 4: What amount of money do you find should be awarded to Cisco for Arista’s copyright  
10 infringement?

11 Cisco’s lost profits: \_\_\_\_\_

12 Arista’s (Infringer’s) profits: \_\_\_\_\_

13  
14 5. Has Cisco proven that Arista’s copyright infringement was willful?

15 YES (Willful) NO (Not willful)

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18 **QUESTION 6 IS ON THE NEXT PAGE.**

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## **CISCO'S CLAIM FOR PATENT INFRINGEMENT**

3 6. Has Cisco proven by a preponderance of the evidence that Arista has infringed any of the  
4 following claims of the '526 patent?

		YES (Infringed)	NO (Not infringed)
6	A. Claim 1	_____	_____
7	B. Claim 6	_____	_____
8	C. Claim 10	_____	_____
9	D. Claim 11	_____	_____
10	E. Claim 13	_____	_____
11	F. Claim 14	_____	_____
12	G. Claim 15	_____	_____
13	H. Claim 16	_____	_____
14	I. Claim 19	_____	_____
15	J. Claim 23	_____	_____

## **QUESTION 7 IS ON THE NEXT PAGE.**

1 7. Has Arista proven by clear and convincing evidence that any of the following claims of the  
 2 '526 patent are invalid?

		YES (Invalid)	NO (Not invalid)
4 A.	Claim 1	_____	_____
5 B.	Claim 6	_____	_____
6 C.	Claim 10	_____	_____
7 D.	Claim 11	_____	_____
8 E.	Claim 13	_____	_____
9 F.	Claim 14	_____	_____
10 G.	Claim 15	_____	_____
11 H.	Claim 16	_____	_____
12 I.	Claim 19	_____	_____
13 J.	Claim 23	_____	_____

14  
 15 **IF—FOR ANY CLAIM OF THE '526 PATENT—YOU ANSWERED “YES” FOR  
 16 INFRINGEMENT (QUESTION 6) AND ANSWERED “NO” FOR INVALIDITY  
 17 (QUESTION 7) FOR THE SAME CLAIM, THEN PROCEED TO QUESTION 8.  
 18 OTHERWISE—if there is no claim of the '526 patent that you found  
 19 infringed and not invalid—then skip to the end of this verdict  
 20 form and sign and date it.**

21 8. What amount of damages is Cisco entitled to recover as a result of Arista's patent  
 22 infringement?  
 23 \$\_\_\_\_\_

24 **QUESTION 9 IS ON THE NEXT PAGE.**

1 9. Has Cisco proven that Arista's patent infringement was willful?

2 YES (Willful) NO (Not willful)

3 \_\_\_\_\_

4

5 **PLEASE DATE AND SIGN BELOW.**

6

7 Dated: \_\_\_\_\_

8 **FOREPERSON**

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1 Dated: September 27, 2016

Respectfully submitted,

2 /s/ John M. Neukom

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Attorneys for Plaintiff Cisco Systems, Inc.